

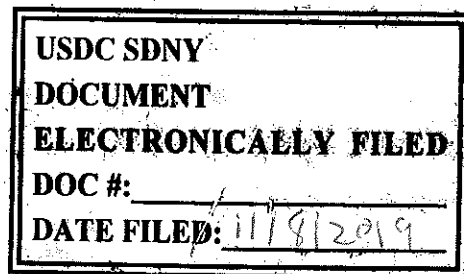


Consovoy McCarthy PLLC

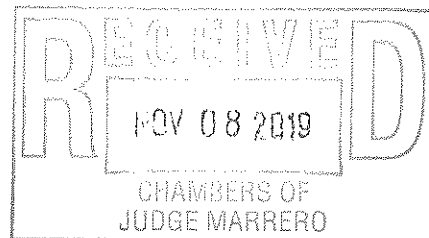
1600 Wilson Boulevard, Suite 700
Arlington, VA 22209
703.243.9423
www.consovoymccarthy.com

By Hand

Hon. Victor Marrero
U.S.D.C. S.D.N.Y.
500 Pearl Street
New York, NY 10007



November 8, 2019



Re: *Donald J. Trump v. Cyrus R. Vance, Jr., et al.* (19-cv-08694)

Dear Judge Marrero:

The parties submit this joint letter in response to the Court's order from November 5, 2019. *See* Doc. 41.

Plaintiff intends to petition the U.S. Supreme Court for certiorari no later than November 14, 2019. Defendant Vance will oppose this petition, and the parties have agreed to fully brief the matter no later than November 25, 2019. We request the Court keep the case in abeyance until the Supreme Court either denies Plaintiff's petition for certiorari or issues an opinion, consistent with the attached agreement dated October 21, 2019. Following the Supreme Court's determination, the parties will promptly update the Court on their positions relative to further proceedings in this Court.

Respectfully submitted,

s/ William S. Consovoy

William S. Consovoy
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209
703-243-9423
will@consovoymccarthy.com

s/ Carey R. Dunne

Carey R. Dunne
N.Y. COUNTY DISTRICT
ATTORNEY OFFICE
One Hogan Place
New York, NY 10013
212-335-9216
dunnec@dany.nyc.gov

s/ Jerry D. Bernstein

Jerry D. Bernstein
BLANK ROME LLP
1271 Avenue of Americas
New York, NY 10020
212-885-5511
jbernstein@blankrome.com

*Counsel for President Donald J.
Trump*

*Counsel for Cyrus R. Vance,
Jr.*

*Counsel for Mazars USA,
LLP*

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by

The parties

SO ORDERED.

11-8-19
DATE

[Signature]
VICTOR MARRERO, U.S.D.J.

**DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000**



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

BY ECF

Catherine O'Hagan Wolfe
Clerk of Court
U.S. Court of Appeals, Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

October 21, 2019

**Re: Donald J. Trump v. Cyrus R. Vance, Jr., et al.
Case No. 19-3204 cv**

Dear Ms. O'Hagan Wolfe:

We represent the office of Cyrus R. Vance, Jr., District Attorney of New York County, an Appellee in this matter.

We write to inform the Court that the parties have reached an arrangement to resolve Appellant's emergency motion for a stay pending appeal (Dkt. No. 128) filed on Friday, October 18, 2019.

Appellee Vance agrees to forbear enforcement of the Mazars Subpoena between the date of oral argument in this matter (October 23, 2019) and ten calendar days after this Court issues its panel opinion (the "Forbearance Period"), on the following conditions:

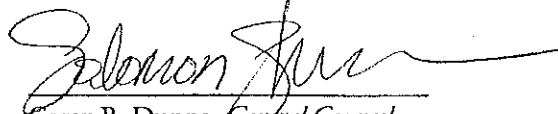
1. Any petition for *certiorari* in this matter will be filed in the Supreme Court within the Forbearance Period; any opposition will be filed within seven calendar days from the petition; and any reply will be filed within three calendar days from any opposition. Should any filing date specified above fall on a weekend or holiday, the terms of Federal Rule of Appellate Procedure 26 shall control.

October 21, 2019
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2. Should Appellant petition for *certiorari*, Appellant will request in his petition that the Supreme Court hear the case in the current term, and Appellee Vance will further forbear enforcement of the Mazars Subpoena until the Supreme Court either denies *certiorari* or issues an opinion, whichever is sooner.
3. Appellant will immediately withdraw all pending motions for a stay in this Court.

We are available at the Court's convenience should any questions arise concerning this undertaking.

Respectfully submitted,

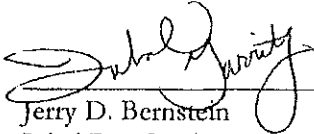


Carey R. Dunne, *General Counsel*
Christopher Conroy (*pro hac vice*)
Solomon B. Shinerock
James H. Graham
Sarah Walsh (*pro hac vice*)
Allen J. Vickey
Assistant District Attorneys
New York County District Attorney's Office

Agreed on October 21, 2019:



William Consovoy
Marc Mukasey
Alan Futerfas
Counsel of Record for the Appellant



Jerry D. Bernstein
Inbal Paz Garrity
Nicholas R. Tambone
Counsel of Record for Appellee Mazars USA, LLP

CC: all counsel of record (via ECF)